

Application No. 10/001,820
Petition for Revival Unintentional Abandonment
Reply to Office Action dated June 13, 2003

The Patent Office is also authorized to charge any other fees necessary to revive the application and enter the amendment to Deposit Account No. 03-1620. In the event a time extension is not needed, a comment to such would be appreciated in the next Examiner's response and a refund.

Attached to this response in the above identified matter is a Petition to Revive and a 3-Month Extension of Time. All fees should be charged to Deposit Account No. 03-1620 as noticed on the attached additional forms.

Turning now to the outstanding Office Action.

REMARKS

Claims 1 through 8 were rejected under 35 U.S.C. 103 as being unpatentable over Bohn et al. (USP 6,306,917) in view of Benham et al. (USP 6,534,552). This rejection is respectfully traversed and reconsideration and allowance is requested in view of the following comments.

Initially, the Examiner is thanked for the careful review of the application and the detailed comments in the Office Action. The Examiner has gone to some length to highlight the teachings of the Bohn et al and Benham et al. references. It is submitted that in the characterization of the prior art the Examiner has used impermissible hindsight reconstruction to fill in the pieces missing from each reference in rejecting the claims.

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For example, on page 4:

"The Examiner notes that the tail gas is a by product of the hydrocarbon synthesis reaction, and Bohn teaches that after removing the carbon dioxide from the tail gas, the tail gas is recycled in partial oxidation reactor (see col. 4, line 4-8, figure 1). Therefore it would have been obvious to one of ordinary skill in the art of the time the invention was made to add tail gas to the partial oxidation reactor in order to increase the hydrocarbon yield and conversion efficiency of the system."

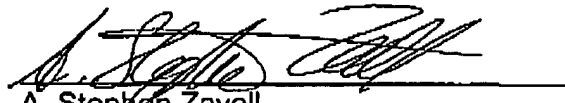
It is this conclusion and the further conclusions made elsewhere in the Office Action by the Examiner with respect to the Benham et al. reference which is believed to be the impermissible use hindsight reconstruction entering the examination process to reject the claims. It is at the crux at each of these points that the Examiner has interposed what would have been obvious in having been left out of the reference and therefore the claims as a whole were obvious. No specific teaching is provided for either of the deficiencies in either of the references other than the Examiner's opinion to link that which is missing. It is submitted that no linking of the two references is provided in the absence of impermissible opinion hindsight. Thus, the presently claimed invention as a whole is non-obvious. Reconsideration and an allowance of Claims 1-8 are respectfully requested.

It is additionally believed that in the event the Examiner maintains a rejection, a consideration is given to an independent claim combination of claims 1 and 2; 1, 3 and 4; 5 and 6; 5 and 7; with claim 8 dependent on the combination of 5 and 7.

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In light of the above comments a withdrawal of the abandonment and an
entrance of the amendment and an allowance of claims 1 through 8 is respected.

Respectfully submitted,



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